

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

FILED  
MAY 27 2022  
Matthew Thibault  
CLERK

MATTHEW C. KURTENBACH,  
Plaintiff,  
  
vs.  
  
SECURUS TECHNOLOGIES,  
Defendant.

1:21-CV-01006-CBK  
ORDER

Plaintiff filed a complaint contending that, while he was a pre-trial detainee facing state court criminal proceedings in South Dakota and Minnesota, defendant Securus Technologies, the telecommunications provider for the jails where he was detained, violated the Electronic Communication Privacy Act (the “Wiretap Act”), 18 U.S.C. 2510-2520, and the Federal Communications Act (“FCA”), 47 U.S.C. § 201, *et seq.* Following the denial of a motion to dismiss, I entered an order requiring the parties to meet and jointly prepare and file a discovery report. That order was mailed to plaintiff at the address he provided, the Minnesota Correctional Facility in Faribault, Minnesota. The order came back as undeliverable. Defendant has filed a response to the order for discovery report, setting forth that defendant attempted to meet with plaintiff but that plaintiff did not respond to defendant’s requests to meet.

A search of the Minnesota Department of Corrections online inmate locator service shows that plaintiff was released from custody April 4, 2022.

<https://coms.doc.state.mn.us/PublicViewer/SearchResults>, visited May 27, 2022.

Petitioner has failed to update the Court and opposing counsel with his new contact information. His failure to do so has interfered with the timely administration of this case.

Fed. R. Civ. P. 41(b) authorizes the dismissal of an action for failure to prosecute. The district court may dismiss a case *sua sponte* for failure to prosecute as part of its

inherent case-management powers. Sterling v. United States, 985 F.2d 411, 412 (8th Cir. 1993). Good cause appearing,

IT IS ORDERED that this case is dismissed for failure to prosecute without prejudice and without costs.

DATED this 27<sup>th</sup> day of May, 2021.

BY THE COURT:

A handwritten signature in cursive script, reading "Charles B. Kornmann", written over a horizontal line.

CHARLES B. KORNMAN  
United States District Judge